

In The Matter Of:

*Chad Hogan v.
City of Montgomery, et al.*

*Anthony Arnaud
February 20, 2006*

*Pruitt & Davis, L.L.C.
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Original File ARNAUD.txt, Pages 1-49

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[1] IN THE UNITED STATES DISTRICT COURT
[2] FOR THE MIDDLE DISTRICT OF ALABAMA
[3] NORTHERN DIVISION
[4]
[5]
[6] CHAD HOGAN,
[7] Plaintiff,
[8] vs. CIVIL ACTION NO.
[9] 2:05CV-687-F
[10] CITY OF MONTGOMERY, et al.,
[11] Defendants.
[12]
[13]

[14] * * * * *

[15]
[16]
[17] DEPOSITION OF ANTHONY ARNAUD,
[18] taken pursuant to notice and stipulation on behalf of the
[19] Plaintiff, in the Law Office of Anderson K. Nelms, 847 S.
[20] McDonough Street, Montgomery, Alabama, before Angela
[21] Fulmer, Certified Shorthand Reporter and Notary Public in
[22] and for the State of Alabama at Large, on February 20,
[23] 2006, commencing at 1 p.m.

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[1] STIPULATIONS
[2] It is stipulated and agreed by and between
[3] counsel representing the parties that the deposition of
[4] ANTHONY ARNAUD may be taken before Angela Fulmer,
[5] Certified Shorthand Reporter and Notary Public in and for
[6] the State of Alabama at Large, without the formality of a
[7] commission; and all formality with respect to other
[8] procedural requirements is waived; that objections to
[9] questions, other than objections as to the form of the
[10] questions need not be made at this time, but may be
[11] reserved for a ruling at such time as the deposition may
[12] be offered in evidence or used for any other purpose by
[13] either party as provided by the Federal Rules of Civil
[14] Procedure.

[15] It is further stipulated and agreed by and
[16] between the parties hereto and the witness, that the
[17] signature of the witness to this deposition is hereby
[18] waived
[19]
[20]
[21]
[22]
[23]

* * * *

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[1] APPEARANCES
[2]
[3] FOR THE PLAINTIFF:
[4] ANDERSON K. NELMS, ESQUIRE
[5] Attorney at Law
[6] 847 S. McDonough Street
[7] Montgomery, Alabama 36104
[8] FOR THE DEFENDANTS:
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[11] Thomas, Means, Gillis & Seay, P.C.
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[15] Assistant City Attorney
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[17] Montgomery, Alabama 36104
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[22]
[23]

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[1] ANTHONY ARNAUD, of lawful age,
[2] having been first duly sworn, testified as follows:
[3] **EXAMINATION**
[4] **BY MR. NELMS:**
[5] **MR. NELMS:** Usual stipulations?
[6] **MR. BODIN:** Yes.
[7] **Q.** State your name for the Record, please.
[8] **A.** My name is Anthony Mark Arnaud.
[9] **Q.** All right. Mr. Arnaud, do you own Arnaud's Fine
[10] Meats?
[11] **A.** Yes, sir, I did.
[12] **Q.** Did?
[13] **A.** Yeah. Well -- I mean, in Montgomery. I'm in
[14] Walsboro now.
[15] **Q.** Okay. And everything that we're going to talk about
[16] today is generally going to be related to events
[17] that occurred on March the 31st or April 1, 2005.
[18] If I don't specify otherwise, that's the date that
[19] we're generally talking about. If you have any
[20] questions -- this is going to be a real short
[21] deposition. But if you have any questions or if you
[22] don't understand one of the questions that I ask,
[23] you just stop and you tell me that don't

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[1] understand. You can stop at any time you want to to
[2] confer with your lawyer or to take a break. There's
[3] not a penalty against you for doing that. You're
[4] welcomed to do that if you wish.
[5] **A.** Yes.
[6] **Q.** Okay. And -- I'm sorry. The name of your business
[7] is properly Arnaud's Quality Meats?
[8] **A.** Quality Meats, yes, sir.
[9] **Q.** Okay. And on the date in question, was it located
[10] on or about the Eastern Boulevard --
[11] **A.** Yes, sir.
[12] **Q.** -- in Montgomery? And what's the proper address?
[13] **A.** It was 425 Northeast Boulevard.
[14] **Q.** Okay. And did you reside there near the business?
[15] **A.** Yes, sir. I lived in the trailer park.
[16] **Q.** Okay. And approximately how far away from the
[17] business was your trailer?
[18] **A.** Approximately a hundred yards.
[19] **Q.** Okay. And do you recall the night of March 31,
[20] 2005?
[21] **A.** Yes -- yes, sir.
[22] **Q.** Okay. And do you recall what the weather was like
[23] that night?

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[1] **A.** Yes, sir.
[2] **Q.** Tell me, if you will.
[3] **A.** It was raining.
[4] **Q.** All right.
[5] **A.** Very -- I mean, not -- raining. Just raining like
[6] this -- like today. Raining.
[7] **Q.** Okay. Any thunder and lightning?
[8] **A.** At times, yes, sir.
[9] **Q.** Okay. Did you have occasion to have -- check that.
[10] Do you a burglar alarm on the business?
[11] **A.** Yes, sir. I sure did.
[12] **Q.** Okay. And is that maintained through a service?
[13] **A.** Yes, sir.
[14] **Q.** Which one?
[15] **A.** I haven't had them since probably --
[16] **MR. BODIN:** If you remember.
[17] **A.** If I remember. But I don't remember really the --
[18] It's not ADT, but it's -- I just can't remember the
[19] name of the --
[20] **Q.** Okay. Did you -- but you paid a monthly service
[21] fee?
[22] **A.** Yes, sir. I sure did.
[23] **Q.** Okay. And do you recall exactly what types of

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[1] services were provided related to that security
[2] service?
[3] **A.** Well, I had calls. And not all of them was, you
[4] know, calls of -- but they'd call me up and say that
[5] there was. And then I'd have to -- the city police
[6] would come and inspect and leave a sheet of paper
[7] and I'd get it from them. And then I'd go on home,
[8] you know, that was the --
[9] **Q.** Okay. I didn't ask a very good question. My
[10] experience has been, that with security companies,
[11] there are different types of services that they
[12] offer you. Do you recall what types of services
[13] that you got from this?
[14] **A.** No, sir. All they would -- that this -- it's called
[15] central control. When they -- anything that
[16] pertained with the door or pertained with the place
[17] where the alarm went off, they would call me.
[18] **Q.** Okay.
[19] **A.** And that way the city police would respond also.
[20] **Q.** Okay. Do you know whether or not it was central
[21] control that contacted the police?
[22] **A.** Central control? Yes, sir. Without the -- central
[23] control, they call me.

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[1] A. He -- at the time, he was -- let's see. He's
[2] fifteen. He was fourteen.
[3] Q. Okay. So you went up for the false alarm, you
[4] didn't see that anything -- there had been no
[5] occurrence?
[6] A. No, sir.
[7] Q. Did the Montgomery Police Department show up?
[8] A. At the time, no, sir. That -- not when I was
[9] there. You know what I'm saying? And I had already
[10] locked up and went home.
[11] Q. Okay. And how long did it take you to get from your
[12] house up to the store?
[13] A. Probably about five minutes -- three minutes.
[14] Q. Okay. And how long did you stay in the store?
[15] A. Probably five minutes.
[16] Q. Okay.
[17] A. Just enough to walk around and look at everything.
[18] And I went back up there and punched the alarm back
[19] on again.
[20] Q. Okay. When the alarm goes off, other than the
[21] audible alarm that we hear that you said sounded
[22] like a siren, do you have any flashing lights or any
[23] lights that come on?

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[1] A. Because -- there's no -- not that I really know of.
[2] Because when I walked in there, I just would hear it
[3] on and just go and just punch it off to make it
[4] quit, you know, the siren, whatever.
[5] Q. Okay. Has your -- how long did you have that store
[6] there on the Eastern Boulevard?
[7] A. Since 2001.
[8] Q. Okay. And during that period of time from 2001 when
[9] you first opened the store until March of 2005, did
[10] you ever have any occurrence of break-ins?
[11] A. No, sir.
[12] Q. Okay. So it's fair to say that every time the alarm
[13] went off it was a false alarm?
[14] MR. BODIN: Object to the form.
[15] A. Yeah. Well --
[16] Q. Best that you know.
[17] A. Yes, sir.
[18] Q. Okay. Then did you have occasion to have the alarm
[19] go off a second time on March 31, 2005?
[20] A. Yes, sir.
[21] Q. Okay. And tell us what happened then.
[22] A. This was approximately an hour after the first one.
[23] And when I got the call from central control, I

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[1] said -- you know, kept hearing the phone go off.
[2] And I had just went back to sleep. I got up and
[3] grabbed it and they said, Mr. Arnaud, this is not a
[4] false alarm. The police are at your store. And
[5] that's when I hurried up and got up and, you know,
[6] got dressed. I tried to wake up my boy. This time
[7] he didn't feel like going again with me, so I just
[8] went on my own --
[9] Q. Okay.
[10] A. -- back to the store.
[11] Q. So someone at central control told you, this time
[12] it's not a false alarm?
[13] A. Right.
[14] Q. Okay. Did they indicate how they knew it was not a
[15] false alarm?
[16] A. Not really. They didn't really say in detail. They
[17] said that the cops was in -- was already at the
[18] place.
[19] Q. Okay. And then you --
[20] A. The police --
[21] Q. -- went up to the store?
[22] A. Yes, sir.
[23] Q. Okay. And when you got to the store, were the

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[1] police there?
[2] A. Yes, sir.
[3] Q. Okay. How many police officers were there?
[4] A. It's been a while. Roughly, three that I remember.
[5] Three to four -- three.
[6] Q. Okay. Were they all in uniform?
[7] A. Yes, sir.
[8] Q. Okay. And did you speak with them?
[9] A. Briefly.
[10] Q. Okay. Did you identify yourself as the owner of the
[11] store?
[12] A. Yes, sir. Yes, sir.
[13] Q. Okay.
[14] A. Because I -- yes, sir.
[15] Q. Okay. And any other conversation with the police
[16] officers?
[17] A. Not really.
[18] Q. Okay. Did they ask you anything?
[19] A. They just more or less said that, you know, we got
[20] here, they was -- somebody was walking back to the
[21] car, it was parked against the outside window, and
[22] fled. And we took off after them, and this and that
[23] and --